



Article 40 Accessory Apartments

TMMA Information Session
10 March 2016



Accessory Apartments Today

“A second dwelling unit subordinate in size to the principal dwelling unit on a lot, designed to maintain the appearance and essential character of a one-family dwelling with accessory structures.”

- ~200 exist (<2% of all dwelling units)

Type	Permit	Where	Size
Basic	By right	Existing structure	≤ 1000 SF GFA ≤ 2 Bedrooms
Expanded	Special permit	New or existing structure, additions	$\leq 40\%$ GFA
Accessory Structure	Special permit	Existing accessory structure	≤ 1000 SF GFA



Why Accessory Apartments?

- A source of small (especially <1000 SF) market-rate units not otherwise available
- An important option for some families
 - older parent (classic in-law apartment)
 - adult children
 - ...
- 20/20 Vision:
 - 2.5 Make the accessory-apartment laws flexible to allow more facilities to be permissible.
- Comprehensive Plan:
 - 1.4 Explore reducing the restrictions on creating additional housing accommodations within existing dwellings, whether for **accessory apartments** or other arrangements. Current rules are highly detailed in often-difficult specification standards, resulting in fewer than three units of such housing per year being built annually in recent decades. With care, impediments to more production of such housing could be removed without damage to neighborhood values, character, traffic or other qualities.



Zoning History and Proposed Changes

	By Right	Special Permit
Pre-1924	Unlimited	N/A
1924	None	None
1983	Primary structure, ≤30%, restrictions	
1988		Accessory structure, >500SF, ≤900SF, restrictions
2005	Primary structure, ≤1000SF, restrictions	Primary structure, ≤40%, restrictions Accessory structure, ≤1000SF, restrictions

Restrictions to be removed	Restrictions to remain
Rooming units	Appearance
Public water and sewer	Only one apartment
Location of parking	Apartment size
Lot area	Ownership
Age of building	



Rooming Units

- ~~There shall be no roomers within either dwelling unit.~~

ROOMER: An individual, other than a member of a family occupying a dwelling unit ... for living and sleeping but not for cooking and eating purposes ... by prearrangement on a long-term basis.

- Same rules as other one-family homes
 - No more than 3 roomers **and**
 - No more than 4 unrelated persons
 - Limits apply to entire lot



Public Water and Sewer

- ~~No structure that is not connected to the public water and sanitary sewer systems shall have an accessory apartment.~~
- Same rules as other one-family homes
 - Regulated by Board of Health



Location of Parking

- ~~• In order to maintain the one-family appearance of the property, all parking spaces on the lot shall be subject further to the following conditions and requirements: ...~~
- Same rules as other one-family homes
- Not changed: Accessory apartments require an additional parking space



Lot Area

- ~~**Basic:** The lot area shall be at least 10,000 square feet.~~
- ~~**Expanded:** The lot shall contain at least the minimum area required by § 135-4.0 in the district in which it is located.~~
- ~~**Accessory Structure:** The lot area is at least 18,000 square feet if in the RS, RT, or CN District and at least 33,000 square feet if in the RO District;~~
- Allow creation of accessory apartments on any buildable lot
- Many existing lots do not meet the current requirements:
 - Basic: 23% do not comply
 - Expanded: 60% do not comply
 - Accessory Structure: 75% do not comply



Age of Building

- ~~Basic: The entire structure ... must have been in legal existence for a minimum of five years.~~
- ~~Accessory Structure: The structure ... was in legal existence for a minimum of five years and had a minimum of 500 SF of gross floor area as of five years prior to the time of application;~~
- Allow creation of apartments in new construction or additions



Questions